

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
H.L.C. 09/01/04

Item 4.a.

File Number
HP03-004/RH02-002

Application Type
Historic Preservation Permit / Site Development Permit

Council
3

SNI
13th Street

Planning Area
Central

Assessor's Parcel Number(s)
467-22-038, 39, 40, 43, 44 and 45

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sally Notthoff Zarnowitz

Location: The north side of Fountain Alley, approximately 120 feet westerly of South Second Street.

Gross Acreage: 0.22

Net Acreage: 0.22

Net Density: NA

Existing Zoning: DC Downtown Commercial

Existing Use: vacant

Proposed Zoning: DC Downtown Commercial

Proposed Use: Office and Retail

GENERAL PLAN

Completed by: SNZ

Land Use/Transportation Diagram Designation
Core Area

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SNZ

North: Commercial/Bassler and Haynes Building (Dr. Eu)

DC Downtown Commercial

East: Commercial/Modern Drug Building (Western Dental)

DC Downtown Commercial

South: Fountain Alley Parking Lot

DC Downtown Commercial

West: Commercial/Bank of Italy Building

DC Downtown Commercial

ENVIRONMENTAL STATUS

Completed by: SNZ

☒ Environmental Impact Report as Addended
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: SNZ

Annexation Title: Original City

Date: 3/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Recommend Approval
☐ Recommend Approval with Conditions
☐ Recommend Denial

Date _____

Approved by: _____

OWNER / DEVELOPER

Bernie Kotansky
Kotansky Properties
14651 South Bascom Ave. #28
Los Gatos CA 95032

ARCHITECT

Kenneth Rodrigues, FAIA
Kenneth Rodrigues & Partners, Inc.
10 South Third Street, Suite 400
San Jose CA 95113

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SNZ

Department of Public Works

See attached Memorandum

Other Departments and Agencies

See attached Memorandum

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject site consists of six parcels comprising 0.22 acres on the north side of Fountain Alley, approximately 120 feet westerly of South Second Street. The site is located in the DC Downtown Commercial Zoning District with a San José 2020 General Plan Land Use/Transportation Diagram designation of Core Area. Existing commercial uses surround this site within the Downtown Commercial National Register Historic District. The current owner, Kotansky Properties filed a Site Development Permit (RH02-002) with the San Jose Redevelopment Agency on December 2, 2002 to allow the rehabilitation and combination of five historic buildings (located at 28 - 30/32, and 36/40 East Santa Clara Street, and 27 - 33 Fountain Alley) and one new building (37 Fountain Alley) into one building with two stories of office use above one story of retail use. The project proposes to construct a set-back rooftop addition on the two-story Contributing Structures to the National Register District located at 28 - 30/32, and 36/40 East Santa Clara Street. The applicant is also requesting a Historic Preservation Permit (HP03-004) to allow exterior alterations to the Crydenwise Building (City Landmark No. HL92-64) located at 27 Fountain Alley, and will file a Tentative Map Application to combine the six parcels into one.

HISTORIC RESOURCE DESCRIPTION

The following information is included in the attached Department of Parks and Recreation forms (DPR) for the historic structures.

28 East Santa Clara Street***Contributing Structure to the Downtown Commercial National Register District (CS/NRD)***

This property is the west half of the building built in 1869 by Theophilus and Socrates Kirk and Edward McLaughlin. The building one of a series of buildings that were built on the south side of Santa Clara Street in the 1869-1870 time frame. The Kirk brothers were well-known early orchardists from the Willow Glen area of San Jose. The Kirk Ditch, an irrigation ditch system built in 1859, is considered one of the significant events in horticultural development in the valley. A series of commercial uses occupied the building. In October 1926, tenant Carlo Firato established Firato's Delicatessen here, which operated at this location into the 1990s.

The cornice of this two-story un-reinforced brick building has been removed, but much of the original fabric remains from the classically inspired 1869 design, although the storefront was modified in the 1920s. In the upper façade two tall narrow window couplets are recessed within arched openings. Thin round pilasters frame the windows within the recessed opening, the outer pilasters topped by a twisted rope molding that arches over lion

heads. Above these ornaments, sculpted keystones front the apex of the arch and are topped by additional scroll ornaments. The base of these windows flares out over a corbel table at the lintel, and at the outside bottom of the window casements are small unique wagon wheels. Below the corbels, the clerestory area of the façade has been covered with cement plaster.

32 East Santa Clara Street

Eligible Contributing Structure to the Downtown Commercial National Register District

This property is the east half of the building built in 1869 by Theophilus and Socrates Kirk and Edward McLaughlin. This brick building was designed specifically to accommodate the McLaughlin & Ryland Bank and is the oldest surviving bank building in San Jose. The upstairs portion of the building was initially used as attorney's offices, including such well-known barristers as J. Alexander Yoell. A series of commercial tenants occupied the building. In the 1880s owner Susan Stiedel sold the building to Socrates Kirk, who co-owned the western half of the building at 28 East Santa Clara Street, resulting in the final merger of the entire building under one ownership. In 1926, owner Bert Kirk, son of Socrates Kirk, remodeled the front façade of the building and removed the stairs to the upper level. Access to this area was probably attained through Kirk's adjacent building to the east. By 1937, the downstairs had been converted to restaurant space, a use that continued into the 1970s.

The original design of this building was the same as that of the building to the immediate west, including the narrow window couplets. A photograph included in the Mixed-Use Project - Century Center Project Amendment EIR supports this assumption. A two-story un-reinforced brick building, the features in the upper façade were apparently covered as a part of a 1920s or 1930s remodeling. The present façade consists of a scored cement plaster wall with two small openings in the center. The original stairway to the upstairs was entered from the west side of the façade.

Although currently a Non-Contributing Structure to the Downtown Commercial National Register District, when considered part of the building to the west, the building as a whole would be eligible, as a Contributing Structure to the District.

36/40 East Santa Clara Street

Contributing Structure to the Downtown Commercial National Register District

This building was constructed in 1870 by James Stevenson as the last in a series of buildings that were built on the south side of Santa Clara Street in the 1869-1879 timeframe. One of the first tenants of the building was Marcus Stern's saddlery and harness business, which remained here until Fred Stern moved to North First Street in 1906. Stern began his business in San Jose in 1852, and Stern's Luggage is still in business today. The upper floor housed residential uses until the 1940s and the lower floor was occupied by a series of commercial tenants. In 1902, the Kirk family acquired the building, completing their ownership of the area that extended from the present-day Bank of America building to Second Street.

This two-story un-reinforced brick building façade has undergone some minor remodeling and the cornice has been removed, but much of the original fabric remains from the 1870 design. The original design was classically inspired, although modified in the 1920s and later, which resulted in the loss of the cornice and in the covering of the clerestory area. The upper façade has four tall narrow one-over-one windows, recessed within relieving arch openings. The upper sash of the windows is arched at the top, reflecting the larger window composition. Thin round pilasters frame the windows within the recessed opening, extending only partially up the side of the casement where they support a molding band that extends across the building below the top of the windows.

The base of the windows is set over miniature balconets, which sit over a corbel table at the lintel. Below the corbel, evidence of the historic clerestory and storefront materials and locations may exist.

27 Fountain Alley

City Landmark Structure within the Downtown Commercial National Register District

In 1889, Clark S. Crydenwise contracted with architect/builder J.O. McKee to construct this three-story brick building, built on the first site of the Pioneer Carriage Manufactory, established by John Balbach who formed a partnership with Crydenwise, a carriage maker, and William Petry, a blacksmith in 1870. Crydenwise came to San Jose before 1867 and was a prominent local carriage maker until his death in 1903. The structure has served a variety of commercial uses, with the upper floors originally occupied by residential uses.

This three-story brick structure is a rare example of an Italianate commercial building in downtown San Jose. The two-tiered slanted bays dominate the façade at the upper stories. Decorative trim is minimal, consisting of recessed panels above and below the double-hung, one-over-one wood sash windows. Altered in the past, the ground level commercial space consists of two windows flanked by one original and one modern entrance. On the ground floor, three cast iron columns are located at the end corners and between the windows.

33 Fountain Alley

Contributing Structure to the Downtown Commercial National Register District

John Balbach owned this building, which was located on the original site of the Pioneer Carriage Manufactory and constructed between 1890 and 1910. The lower floor of the structure has served a variety of commercial uses, while the upper floors were originally used for boarding.

This three-story brick building features Classical Revival architectural elements. The flat roof has a high parapet with a wide coping and a prominent cornice with modillions. The façade of the building has been plastered. The large upper story windows have a single pane topped by a transom and are framed by two-story fluted pilasters topped with an architrave. Spandrel panels are decorated with low-relief garlands. The storefront has been remodeled with large aluminum-framed picture windows.

37 Fountain Alley

Non-Contributing Structure to the Downtown Commercial National Register District

The building appears to have been constructed about 1906 on land owned, or previously owned, by William Petry, whose son, Charles J. Petry continued his blacksmith shop on the site until 1899. Petry was a partner with C.S. Crydenwise. By 1906, Henry Allen had a restaurant in the new building on the site. In 1959, the interior and exterior of the building were remodeled to serve as a photographer's studio.

The 1959 remodeling was done in a modern style and appears to have removed and replaced the original façade. The building lacks the integrity necessary to be recognized as a historic property.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were analyzed in the Mixed-Use Project and Century Center Plan Amendment Final EIR, Resolution Number 71039.1, and Addenda thereto.

GENERAL PLAN CONFORMANCE

This proposed rehabilitation and commercial use project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Core Area. This designation includes office, retail, service, residential, and entertainment uses in the Downtown Core Area and encourages development that incorporates pedestrian oriented design features at the street level. The rehabilitation of these historic structures within the Downtown Commercial National Register Historic District is also consistent with the General Plan Historic, Archaeological and Cultural Resources Goal of preserving historically significant sites, structures and districts in order to promote a greater sense of awareness and community identity and to enhance the quality of urban living.

PROJECT DESCRIPTION

The three-story project, comprised of two floors of office space above one floor of retail space, proposes to rehabilitate and combine the five buildings located at 28 - 30/32, 36/40 East Santa Clara Street, 27 Fountain Alley (City Landmark No. HL92-64) and 33 Fountain Alley, demolish the existing, non-historic building and construct a new building on the 37 Fountain Alley parcel, construct a set-back third floor rooftop addition above the two-story 28 - 30/32, and 36/40 East Santa Clara Street Contributing Structures to National Register District, and connect the six buildings with a central three story atrium circulation space.

East Santa Clara Street Façade(s)

- ? Retain and restore upper floor cement plaster finish and cornice
- ? Retain and refurbish existing wood windows
- ? Retain and reconstruct historic wood windows on 30/32 East Santa Clara Street upper façade
- ? Retain and reconstruct historic clerestory windows in existing opening locations
- ? Remove existing 28 and 30/32 East Santa Clara non-historic storefronts and replace with new compatible new storefronts
- ? Remove existing 36 East Santa Clara Street non-historic storefront and replace with new compatible storefront
- ? Remove existing nonhistoric east entry at 36 East Santa Clara Street

Fountain Alley Façade(s)

- ? Retain and restore upper story wood windows
- ? Retain and restore first floor storefronts including iron columns
- ? Remove existing contemporary fire escape
- ? Remove existing non-compatible plywood siding on 27 Fountain Alley storefront and replace with compatible metal panels and glazing
- ? Construct new compatible cement plaster three-story 37 Fountain Alley façade with compatible clear finish metal windows and storefront

ANALYSIS

The primary project issue is conformance with the *Downtown San Jose Historic District Guidelines* (hereafter referred to as the Guidelines) and the *Secretary of the Interior's Standards for Rehabilitation*, on which the Guidelines are based. The current proposal conforms to the *Downtown San Jose Historic District Guidelines* for rehabilitation in general, and in particular to the *Additions to Historic Buildings, Rehabilitation and Adaptive Re-Use, Restoring Integrity to Historic Buildings* and *Storefronts* chapters. In the analysis that follows, quotations and page numbers from the corresponding section of the Guidelines are in parentheses.

The proposal to integrate the historic structures into a single commercial rehabilitation project evolved through a series of interactive Design Review Committee (DRC) sessions with the applicant and architect. The DRC has addressed the two main issues of rehabilitating existing historic building facades and incorporating compatible new construction.

Rehabilitating Existing Historic Building Facades

East Santa Clara Street Upper Facades

While the project proposes openings in the existing masonry party walls, the individual upper-story street facades will be retained. The character defining features of the five historic building upper-story facades as defined in the DPR forms (attached) and investigated by the project architect are proposed to be “retained, maintained, ... cleaned and repaired” (p.34). The cement plaster finish and cornice details will be cleaned and repaired rather than replaced or covered, and upper floor wood windows will be refurbished rather than replaced. The project architect has performed exploratory work “in order to determine the building’s original materials, finishes, colors and means of application or installation” (p. 36). Later non-significant alterations covering historic fabric on the 30/32 East Santa Clara Street façade will be removed in order to restore the cement plaster finish and retain and reconstruct the second story wood windows which matched the 28 East Santa Clara Street features as documented in the DPR form, in conformance with the guideline that “Restoring integrity may call for the removal of later alterations” (p.36). The significant 28 East Santa Clara Street “Firato” fin sign will be preserved in conformance with the Guidelines (p.37).

East Santa Clara Street Storefronts

The treatment of the storefronts on East Santa Clara Street is an important part of the rehabilitation project. The project meets the Guidelines in that it proposes to maintain the historic floor-to-floor height of the building so that new architectural or structural elements in store interiors will not interfere with, or otherwise compromise, the existing storefront as seen from the street (p.41). However, Planning Staff recommends that the project design be revised to specify that clerestory windows be repaired and, where necessary, reconstructed in their existing location (p.37) and that existing entry and storefront locations shall be retained and rehabilitated where possible and replaced with compatible elements where necessary.

Fountain Alley Facades

The 27 Fountain Alley City Landmark Structure is proposed for rehabilitation and incorporation into the larger commercial building. The East Santa Clara Street rooftop addition will abut the rear third story wall of the City Landmark Structure, and as such will not impact any character defining features. The existing siding and windows will be “retained, maintained, ... cleaned and repaired” (p.34) in conformance with the Guidelines. The storefront elements will be refurbished rather than replaced, and significant obscured elements behind the plywood siding will be uncovered and restored or replaced with compatible materials where appropriate (p.37). The 33 Fountain Alley Contributing Structure façade is also proposed for rehabilitation. The upper floor windows as well as the first floor storefront will be retained and restored. The modern fire escape will be removed and compatible new awnings will be added.

Incorporating Compatible New Construction

East Santa Clara Street Rooftop Addition

The rooftop addition will be located “in a manner that does not dominate or compete with the historic buildings’ primary facades, and that does not conceal or obscure other character-defining features” such as windows, finishes or cornices (p.28). The 13’-6” overall height of the rooftop addition will be subordinate to the 15’-0” floor-to-floor height of the historic building. The new construction will be “clearly differentiated from the historic

building” (p.28) in that the ten foot height of the addition above the historic building parapet will be set back ten feet from the historic front building wall generally in conformance with the guideline that rooftop additions be “set back from the wall plane a distance equivalent to the height” of the addition (p.29). The addition will be “compatible in terms of mass, materials, relationship of solids to voids, and color” (p. 28) in that the materials will match or be compatible with those of the historic facades (cement plaster finish and wood or compatible metal windows) and the new window openings will align with the historic windows below.

New Fountain Alley Construction

The new 37 Fountain Alley façade will be clearly differentiated from the historic buildings in its twenty-first century design, but compatible in terms of scale, massing, proportion and color (p.28). Planning staff recommends that the plans be revised to specify compatible window and siding materials.

COMMUNITY OUTREACH

Notices of the public hearings before the Historic Landmarks Commission and the Director of Planning were published in a local newspaper, posted on the City of San Jose web site, and mailed to all property owners and tenants within 1,000 feet of the subject site. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

Historic Preservation Permit HP03-004

Planning staff recommends that the Historic Landmarks Commission:

1. Find that the proposal to rehabilitate the Crydenwise Building (City Landmark No. HL92-64) located at 27 Fountain Alley conforms to The *Downtown San Jose Historic District Guidelines* and the Secretary of the Interior’s Standards.
2. Recommend conditional approval of Historic Preservation Permit HP03-004 to the Director of Planning with special conditions including the following:

Site Permit Required. Prior to approval of the Historic Preservation Permit (HP03-004) the developer shall agree to meet the conditions of the Site Development Permit (RH02-002) to the satisfaction of the Director of Planning.

Subsequent Permit Adjustment Required. Prior to the issuance of Building Permits for alterations to the East Santa Clara Street storefronts, the developer shall secure and agree to implement a Permit Adjustment addressing the following items to the satisfaction of the Director of Planning. If said Adjustment is not secured within 180 days of the issuance of this permit, said project modifications shall be addressed through the Permit Amendment process. The items noted below shall be addressed and permits secured prior to the issuance of any other Planning permits for the subject site.

Storefront Rehabilitation. Storefront and clerestory window rehabilitation plans shall conform to the *Downtown San Jose Historic District Guidelines* and Secretary of the Interior’s Standards for Rehabilitation to the satisfaction of the Historic Preservation Officer. The work shall involve the least degree of intervention required to restore original materials. The clerestory windows shall be repaired and, where necessary, reconstructed in their existing location. The existing storefront entries and

storefront locations shall be retained and rehabilitated where possible and replaced with compatible elements where necessary.

Site Development Permit RH02-002

Planning staff recommends that the Historic Landmarks Commission:

1. Recommend conditional approval of Site Development Permit RH02-002 to the Executive Director of the San Jose Redevelopment Agency with special conditions including the following:

Plan Revisions. Plans shall be revised to the satisfaction of the Director of Planning to delineate East Santa Clara Street existing storefronts, specify East Santa Clara Street existing clerestory windows to be restored in existing locations, and to specify cement plaster and clear metal window and storefront materials at 37 Fountain Alley new construction.

Subsequent Permit Adjustment Required. Prior to the issuance of Building Permits for alterations to the East Santa Clara Street storefronts, the developer shall secure and agree to implement a Permit Adjustment addressing the following items to the satisfaction of the Director of Planning. If said Adjustment is not secured within 180 days of the issuance of this permit, said project modifications shall be addressed through the Permit Amendment process. The items noted below shall be addressed and permits secured prior to the issuance of any other Planning permits for the subject site.

Storefront Rehabilitation. Storefront and clerestory window rehabilitation plans shall conform to the *Downtown San Jose Historic District Guidelines* and Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Historic Preservation Officer. The work shall involve the least degree of intervention required to restore original materials. The clerestory windows shall be repaired and, where necessary, reconstructed in their existing location. The existing storefront entries and storefront locations shall be retained and rehabilitated where possible and replaced with compatible elements where necessary.

Attachments: Map
 DPRs/Photographs
 Plan set